

## UNITED STATE DEPARTMENT OF COMMERCE Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR			ATTORNEY DOCKET NO.
09/727,946	12/01/00	CHANG		С	JCLA6224
J.C. PATENTS, INC.		OMOO /1004	┐		EXAMINER
		QM02/1004		LEO,L	
SUITE 114				ART UNIT	PAPER NUMBER
1340 REYNOLDS AVE. IRVINE CA 92614				3743	5
				DATE MAILED:	: 10/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

Application No.  O9/727,946  Examiner  Leonard R. Leo  3743  Art Unit  3743  ASHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  THE MAILING DATE Of this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply appelled above is less than thirty (30) days, a reply within the database of missing the period segment of period in reply appelled above is less than thirty (30) days, a reply within the database of missing the period segment of the communication.  If the period for reply appelled above is less than thirty (30) days, a reply within the database of the communication.  If the period for reply appelled above is less than thirty (30) days, a reply within the database of the period in reply application is the communication.  If the period for reply appelled above is less than the mailing date of this communication, even if timely filed, may reduce any sented period than application is the communication of the mailing date of this communication, even if timely filed, may reduce any sented period than application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.7 is/are pending in the application.  4a) Of the above daim(s) is/are withdrawn from consideration.  5) Claim(s) is/are are allowed.  6) Claim(s) is/are objected to.  8) Claim(s) is/are objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is/are: a) approved by disapproved by the Examiner.  12) The oath or declaration is objected to by the Examiner.	. Y			
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Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filed after 50 (6) MONTHS from the mailing date of this communication.  If the period for reply is specified above, the most file of the communication.  If the period for reply specified above, the most file of the communication.  If the period for reply specified is the thin there communication.  If the period for reply specified above, the most file of the communication of the communication of the reply is specified above, the most file of the communication of the reply is specified above, the most file of the provision of the reply is specified above, the most file of the communication of the reply is specified above, the most file of the communication of the reply is specified above, the most file of the communication of the reply is specified above, the most file of the communication of the reply is specified above, the most file of the communication of the communication of the reply is specified above, the most file of the communication of the communicatio	Office Action Summary	Examiner	Art Unit	
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15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.				
Attachment(s)	,	•		
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)  4) Interview Summary (PTO-413) Paper No(s)  Notice of Informal Patent Application (PTO-152) 6) Other:	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice	- · · · · · · · · · · · · · · · · · · ·	

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#### **DETAILED ACTION**

#### Election/Restrictions

Applicant's election of the species of Figure 2A in Paper No. 4 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 8-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species. However, applicant has cancelled claims 8-14.

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hsiao et al or Taylor (5,209,291). Regarding claims 2-7, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987). The specific fluid is not a structural limitation.

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry of a general nature, relating to the status of this application or clerical nature (i.e. missing or incomplete references, missing or incomplete Office actions or forms) should be

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directed to the Technology Center 3700 Customer Service whose telephone number is (703) 306-5648.

Any inquiry concerning this Office action should be directed to Leonard R. Leo whose telephone number is (703) 308-2611.

LEONARD R. LEO PRIMARY EXAMINER ART UNIT 3743

September 28, 2001

# Attachment for PTO-948 (Rev. 03/01, or earlier) 6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

### INFORMATION ON HOW TO EFFECT DRAWING CHANGES

### 1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1 136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

### 2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, MUST be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings MUST be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes

### Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a)

Failure to take corrective action within the set period will result in ABANDONMENT of the application.